

# City of Fort Lauderdale Planning and Zoning Board STAFF REPORT

Case # 01-R-02

February 15, 2006

## Request:

Modification to covenant restriction established by the City Commission by Resolution number 02-59, on April 23, 2002.

<b>Applicant</b>	AMAS Dev-Bontona, LLC.	
<b>General Location</b>	309 Bontona Ave.	
<b>Property Size</b>	10,710 SF / .40 Acres	
<b>Zoning</b>	RS-8, Single Family Residential, Low-Medium Density District	
<b>Existing Use</b>	One (1) Single Family Home	
<b>Future Land Use Designation</b>	Low-Medium	
<b>Applicable ULDR Sections</b>	47-5.11 RS-8 Permitted Uses 47-5.31 RS-8 Table of Dimensional Requirements	
	<b>Required</b>	<b>Proposed</b>
<b>Lot Density</b>	8 units / gross acre Max. = 1 unit Max. / .40 gross acre	1 unit
<b>Lot Size</b>	6,000 SF Min.	10,710 SF
<b>Lot Width</b>	50' Min.	85'
<b>Building Height</b>	35' Max	24'
<b>Structure Length</b>	NA	232'
<b>Floor Area Ratio</b>	.75 max	56' Average
<b>Lot Coverage</b>	45 % max	"
<b>Open Space</b>	na	na
<b>Landscape Area</b>	na	na
<b>Parking</b>	2 required	3 proposed
<b>Setbacks/Yards</b>	<b>Required</b>	<b>Proposed</b>
Side (N)	20' required by covenant	14' min
Side (S)	5'	5'
Front (E)	25'	25'
Rear (W)	25'	20'
<b>Notification Requirements</b>	Sign Notice 15 days prior to meeting	
<b>Action Required</b>	Approve, Approve with Conditions, or Deny	
	<b>Name and Title</b>	<b>Initials</b>
<b>Project Planner</b>	Yvonne Redding, Planner I	
<b>Approved By</b>	Greg Brewton, Acting Planning and Zoning Deputy Director	
<b>Authorized By</b>	Marc LaFerrier, AICP, Planning and Zoning Director	

## Property/Project Description:

The applicant requests to modify the conditions of the approved site plan and existing Declaration of Restrictive Covenant established by the Planning and Zoning board on March 20, 2002 and approved by the City Commission on April 23, 2002 and set forth in Resolution No. 02-59. **(Resolution attached as Exhibit 3).**

The Planning and Zoning Board established a minimum setback for the north side yard of this property to be 20', which is a 15' increase from the standard 5' side yard requirement in the RS-8 zoning. **(Existing Declaration attached as Exhibit 4).** The increase was to establish an increased buffer yard between the development to the north (a four (4) unit multi-family structure on a waterway) and the single family lot that is now being developed.

## Prior Reviews:

The Declaration of Restrictive Covenant was established for this increase in setback do to the encroachment into the setback of the development to the north.

The single family dwelling was issued a permit by the City based on the aforementioned conditions. The applicant has, however, subsequently included a design of the house that encroaches into the setbacks as approved by the Planning and Zoning Board and the City Commission. **(Site Plan attached as exhibit 1)**. The setback encroachments occur with the proposed balconies and the cabana structure. The cabana structure is 14 feet from the property line where 20 feet is required by the covenant. The second floor balcony is 18 feet where 20 feet is required and there is a portion of the entryway arch that is at 5 feet where 20 feet is required. **(Proposed Declaration attached as Exhibit 5)**.

The developer has met with the neighborhood and they have issued a letter that they do not object to the modification of the covenant restrictions. **(Attached as Exhibit 2)**.

**Staff Findings:**

The Single Family dwelling meets all other applicable codes according to the ULDR for a standard lot with no restrictions imposed upon it.

**Conditions of Approval:**

Should the Board approve the proposed modification, staff proposes the following conditions:

1. City Commission approval of the Modification to Restrictive Covenant.
2. Approved by the City Attorney
3. Record in the Public Records as a covenant running with this parcel.

**Planning & Zoning Board Review Options:**

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit.

If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the site plan level III permit.